



DIAMOND BUSH
DI CIANCI
& KRAFTHEIMER

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March 30, 2016

Federal Election Commission
Office of Complaints Examination and
Legal Administration
Attention: Donna Rawls, Paralegal
999 E. Street, NW
Washington, DC 20436

Re: MUR 7023
Response of Gordon J. Kinzler

Dear Mr. Jordan:

We are in receipt of your letter (received on March 21, 2016) enclosing a complaint against Illinois Families First and also against Gordon Kinzler and Kinzler for Congress. This office represents Mr. Kinzler, candidate and treasurer of Kinzler for Congress (the Statements of Designation of Counsel are enclosed), as well as Kinzler for Congress. That portion of the complaint (denominated "Part 2") concerning Mr. Kinzler and Kinzler for Congress (collectively "Kinzler") is wholly speculative, unfounded, and an abuse of the process by the Roskam for Congress campaign. Nevertheless, as requested, Kinzler is responding to the allegations as set forth below:

Part 1:

This Part sets forth allegations concern Illinois Families First ("IFF"), an alleged political action committee. Kinzler has no knowledge of any facts about Illinois Families First and, at no time, did Kinzler have any meetings or dealings with IFF, communications to or from IFF, or any other understandings--express or implied--with IFF. (See Affidavit of Gordon J. Kinzler, ¶ 2, attached hereto). The only thing between Kinzler and IFF is that they both sought to defeat Roskam's bid for re-election. Kinzler was happy to receive and list IFF's public support, but that is the extent of Kinzler's "interaction" with IFF. (Kinzler Aff. ¶ 3)

More specifically, regarding the advertisements about which Roskam complains, Kinzler did not write, fund, coordinate, or otherwise communicate with IFF about those advertisements, their content, their revisions, or their publication. (Kinzler Aff. ¶ 4)

Part 2:

This Part consists of two sets of allegations involving: 1) IFF, the political action committee (discussed above), and 2) Illinois Family Action ("IFA").

March 30, 2016

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Concerning IFF, Roskam, without any evidence, attempts to twist Kinzler's acknowledgment of IFF's endorsement into the use of IFF communications "in a manner inconsistent" with FEC regulations. But Roskam does not—because he cannot—allege an actual violation (and none exists) of any regulations. Roskam merely offers speculation as a pretext to invoke the process of review and thereby intimidate anyone that would dare to run against him. What the actual evidence shows is that there was no coordination between Kinzler and IFF. Even Roskam's own complaint concedes that the allegations with respect to IFF are based solely on an "inference" from Kinzler's listing of the endorsement on the Facebook page.

The actual facts are that Kinzler only learned of the IFF radio ads after they were aired and through after-the-fact correspondence from WLS. (Kinzler Aff. ¶ 5 and Exhibits 1-3 attached thereto). Again, Kinzler did not write, fund, coordinate, or otherwise communicate with IFF about those advertisements, their content, their revisions, or their publication. (Kinzler Aff. ¶ 4) Neither did Kinzler request, suggest or assent to their production. (Kinzler Aff. ¶ 6)

Concerning IFA, the complaint once again engages in a sleight of hand and speculates about coordination from the fact that IFA shared a link to the video through Twitter. Kinzler has no knowledge of any facts about Illinois Family Action. Other than submitting himself to pre-endorsement interviews and questionnaires from IFA and Family Pac Federal, at no time did Kinzler have any meetings or dealings with IFA, communications to or from IFA, or any other understandings, express or implied, with IFA concerning any support or actions that IFA was taking or would take in support of Kinzler. (Kinzler Aff. ¶ 7)

The sleight of hand employed by Roskam in the complaint is that he treats IFA's access to the link information as intentional coordination about the Video itself. Kinzler alone paid for the production of the video and did not coordinate the content with IFA (or any other political committee). (Kinzler Aff. ¶ 8). IFA did not contribute money or ideas for the Video and the most that can be said about publication is that Kinzler encouraged all of his supporters to watch and share the video once it was made public. (Kinzler Aff. ¶ 8). Thus, Roskam is left to cite the mere fact that someone at IFA clicked on the "share" link offered by YouTube and sent out the link as its speech-act through their Twitter account. That is neither coordination nor an in-kind contribution to Kinzler.


Finally, Roskam--self-conscious of the utter lack of evidence to substantiate these "complaints" against Kinzler--resorts to an *ad hominem* attack on Kinzler and his references to his military career. First, these are not the jurisdiction of the Commission. Second, Kinzler, proud of his military career, either modified or withdrew any materials where there was the slightest technical issue. Roskam's gratuitous inclusion

CONFIDENTIAL

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For all of the foregoing reasons, we respectfully request that the Commission close this matter.

Sincerely,



Derke J. Price

cc: Jay Krizler

4841-2562-0271, v. 1



FEDERAL ELECTION COMMISSION
999 E Street, NW
Washington, DC 20463

STATEMENT OF DESIGNATION OF COUNSEL
Please use one form for each Respondent/Entity/Treasurer
FAX (202) 219-3923

MUR # 7023

NAME OF COUNSEL: DEREK J. PRICE

FIRM: ANCEL GLINK

ADDRESS: 1979 N. MILL STREET # 207

Naperville, IL 60563

TELEPHONE- OFFICE (630) 596-4612

FAX (630) 596-4611 Web Address dprice@ancelglink.com

The above-named individual and/or firm is hereby designated as my counsel and is authorized to receive any notifications and other communications from the Commission and to act on my behalf before the Commission.

3.30.16
Date

[Signature]
Respondent/Agent -Signature

Candidate/Treasurer
Title (Treasurer/Candidate/Owner)

RESPONDENT: Kinbler for Congress
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: _____
(Please Print)

GLEN ELYN, IL 60137

TELEPHONE (H) _____ (W) _____

E-Mail: _____

This form relates to a Federal Election Commission matter that is subject to the confidentiality provisions of 52 U.S.C. § 30109(a)(12)(A). This section prohibits making public any notification or investigation conducted by the Federal Election Commission without the express written consent of the person under investigation



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3.30.16
Date

[Signature]
Respondent/Agent -Signature

Candidate/Treasurer
Title (Treasurer/Candidate/Owner)

RESPONDENT: Gordon J. Kinzler, Treasurer
(Committee Name, Company Name, or Individual Named in Notification Letter)

MAILING ADDRESS: _____
(Please Print)

GLEN ELLEN, IL 60137

TELEPHONE (H) _____ (W) _____

E-Mail: _____

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FEDERAL ELECTION COMMISSION

In re: Peter Roskam:

Matter MUR #7023

AFFIDAVIT OF GORDON J. KINZLER

STATE OF ILLINOIS)

COUNTY OF DUPAGE)

Gordon J. Kinzler, upon his oath, deposes and states as follows:

1. I was a candidate for Congress running against the incumbent, Peter Roskam, for the Republican nomination and I was the treasurer for the Kinzler for Congress campaign and, as such, I have personal knowledge of the facts set forth herein and, if called to testify, I could do so competently to same.

2. I have no personal knowledge of any facts about the committee known as Illinois Families First ("IFF") and, to the best of my understanding and belief, neither did anyone on my campaign staff. At no time did I or my campaign staff meet with representatives of IFF, communicate with IFF, or have any understandings--express or implied--with IFF.

3. I was pleased to receive and list IFF's public support of me. That is the extent of all interaction of any kind between my campaign and IFF.

4. Neither I nor anyone from my campaign wrote, funded, coordinated, contributed or was otherwise involved with IFF concerning any of its advertisements or communications or their content, alleged revisions, or publication.

5. I became aware of the IFF radio ads only after they were aired and also through after-the-fact correspondence my campaign received from WLS. Those forwarded emails from WLS are attached hereto as Exhibits 1-3.

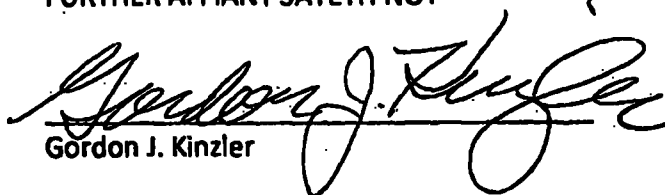
170444144142

6. Neither I nor anyone from my campaign requested, suggested or assented to the production of any advertisements or communications by IFF.

7. Likewise, my only interaction with Illinois Family Action ("IFA") was to submit, at the same time, to pre-endorsement interviews and questionnaires from IFA and Family Pac Federal. At no time did I or my campaign staff meet with representatives of IFA, otherwise communicate with IFA, or have any understandings--express or implied--with IFA concerning any support or actions that IFA was taking or would take in support of me.

8. Concerning my YouTube Video, the campaign alone paid for the production of the video and did not coordinate the content of it with Illinois Family Action or any other political committee. My campaign was solely responsible for the creation and content of the video and, after it was complete and made public on You Tube, my campaign sent out a mass communication about the video through social media to all of my supporters. Neither IFA nor any other committee contributed any funds or any other in-kind services for the Video.

FURTHER AFFIANT SAYETH NOT


Gordon J. Kinzler

Subscribed and sworn to before me
This 30th day of March, 2016



Notary Public

My commission expires: 12/27/2018

4846-3044-5871, v. 1



Price, Derke

From: Don Berardini [Don.Berardini@cumulus.com]
Sent: Wednesday, March 09, 2016 3:18 PM
To: Marc Collura
Subject: Fwd: Jay Kinzler, 76th District spot (Illinois Families First)
Attachments: ILFamiliesFirst_JayKinzler-76thDist.mp3; ATT00001.htm

Sent from my iPhone

Begin forwarded message:

From: "Dorothy Baker"
To: "Charlie Weber" <cweber@salemreps.com>, "Don Berardini" <Don.Berardini@cumulus.com>
Subject: Fw: Jay Kinzler, 76th District spot (Illinois Families First)

REPLACE THE CURRENT SPOT YOU ARE RUNNING FOR ILLINOIS FAMILY FIRST DIST 6 (KINZLER) WITH THE ATTACHED SPOT RUN THRU SCHEDULE ON TUES CALL IF YOU HAVE QUESTIONS:

Cumulus Media Disclaimer

This message contains confidential information and is intended only for the individual(s) named. If you are not the named addressee you should not disseminate, distribute or copy this e-mail. Please notify the sender immediately by e-mail if you have received this e-mail by mistake and delete this e-mail from your system. If you are not the intended recipient you are notified that disclosing, copying, distributing or taking any action in reliance on the contents of this information is strictly prohibited.

Price, Derke

From: Marc Collura [marc@700east.com]
Sent: Wednesday, March 09, 2016 3:28 PM
To: braden@kinzlerforcongress.org;
Subject: Fwd: Jay Kinzler, 76th District spot (Illinois Families First)
Attachments: ILFamiliesFirst_JayKinzler-76thDist.mp3; ATT00001.htm

Here is the new ad from family first

Sent from my iPhone

Begin forwarded message:

From: Don Berardini <Don.Berardini@cumulus.com>
Date: March 9, 2016 at 3:18:27 PM CST
To: "marc@700east.com" <marc@700east.com>
Subject: Fwd: Jay Kinzler, 76th District spot (Illinois Families First)

Sent from my iPhone

Begin forwarded message:

From: "Dorothy Baker" <cweber@salemreps.com>, "Don Berardini"
<Don.Berardini@cumulus.com>
Subject: Fw: Jay Kinzler, 76th District spot (Illinois Families First)

REPLACE THE CURRENT SPOT YOU ARE RUNNING FOR ILLINOIS FAMILY FIRST
DIST 6 (KINZLER) WITH THE ATTACHED SPOT RUN THRU SCHEDULE ON TUES
CALL IF YOU HAVE QUESTIONS:

Cumulus Media Disclaimer

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Price, Derke

From: Don Berardini [Don.Berardini@cumulus.com]
Sent: Wednesday, March 09, 2016 3:15 PM
To: Marc Collura
Subject: Fwd: Ad Takedown
Attachments: Roskam for Congress Letter to WLS re Illinois Families First Illegal, False, and Misleading Advertisement.pdf; ATT00001.htm; Roskam for Congress Ad Grid re IFF Sandy Rios Ad for WLS__Rebuttal of Illegal, False, and Misleading Advertisement.pdf; ATT00002.htm

Sent from my iPhone

Begin forwarded message:

From: Dean Thompson
Date: March 8, 2016 at 7:42:17 PM CST
To: don.berardini@cumulus.com
Cc: Jeff.smaluk@cumulus.com, Ashley Heacock <ashley@roskamforcongress.com>
Subject: Re: Ad Takedown

Sorry for the typo, re-sending with Don's correct email address.

On Tue, Mar 8, 2016 at 7:38 PM, Dean Thompson <
Don and Jeff: > wrote:

Attached please find a letter and supporting materials transmitted on behalf of Roskam for Congress regarding an illegal, false, and misleading advertisement running on WLS. Thank you for your assistance in directing these to the appropriate staff, and we look forward to any follow-up discussion you feel is necessary.

All the best,
Dean

Dean Thompson
Roskam for Congress
C:

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